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February 12, 2016

**VIA ELECTRONIC MAIL**

Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Frankie Hampton, Paralegal  
999 E Street, NW  
Washington, DC 20436

Re: MUR 7000

Through counsel, Ron DeSantis for Florida (the "Committee") and Timothy Koch, in his official capacity as the Committee's Treasurer, provide the following response to the complaint filed by Nicholas Carper ("Complainant") and designated by the Federal Election Commission (the "Commission") as MUR 7000. In short, Complainant has alleged that the Committee violated Commission regulations by failing to disclose the value of books purchased by Congressman DeSantis and distributed by the Committee at a Republican Party of Florida event. The Committee respectfully requests that the Commission dismiss this complaint for the following reasons.

**I. It is Questionable Whether the Value of the Books Must Be Treated as an In-Kind Contribution to the Committee.**

As an initial matter, the Committee disputes Complainant's assumption that the value of Congressman DeSantis's book must be treated as an in-kind contribution to the Committee. The sole evidence offered by Complainant in support of his allegation is a *Politico* article stating:

At the Republican Party of Florida's Sunshine Summit in Orlando over the weekend, stacks of his books sat on a table for his campaign behind a brochure that reads "Veteran. Principled Leader. Taxpayer Hero."

Notably, Complainant does not allege that Congressman DeSantis purchased copies of his books for the purpose of influencing any election for Federal office. See 11 C.F.R. § 100.52.

The Commission must acknowledge that there are circumstances in which Congressman DeSantis could purchase copies of his book with personal funds and gift copies free of charge without the value of those books constituting an in-kind contribution to the Committee. Therefore, there is a legitimate question as to whether the value of these books, in this particular instance and as specifically alleged by Complainant, constitute a contribution by Congressman DeSantis simply because they were given away at a Republican Party of Florida event.

## II. The Value of the Books Was Publicly Disclosed.

The Committee does not dispute the fact that it originally did not include receipt and disbursement entries for the value of the books on the Committee's initial filing of the October 2015 Quarterly Report; however, out of an abundance of caution, the Committee promptly amended that report on December 3, 2015, soon after the Committee first became aware of the potential issue.

### SCHEDULE A (FEC Form 3) ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page		FOR LINE NUMBER: (check only one) <input type="checkbox"/> 11a <input type="checkbox"/> 11b <input type="checkbox"/> 11c <input checked="" type="checkbox"/> 11d <input type="checkbox"/> 12 <input type="checkbox"/> 13a <input type="checkbox"/> 13b <input type="checkbox"/> 14 <input type="checkbox"/> 15	
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.			
NAME OF COMMITTEE (in Full) Ron Desantis for Florida			
Full Name (Last, First, Middle Initial) A. RONALD D. DESANTIS		Date of Receipt 09 / 01 / 2015	
Mailing Address P.O. BOX 1425		Transaction ID : SA11D.2241	
City PONTE VEDRA BEACH	State FL	Zip Code 32004-1425	Amount of Each Receipt this Period 2500.00
FEC ID number of contributing federal political committee. C S6FL00293		IN KIND: BOOKS	
Name of Employer U.S. NAVY RESERVE	Occupation OFFICER		
Receipt For: 2016 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Election Cycle-to-Date 2500.00		

### SCHEDULE B (FEC Form 3) ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page		FOR LINE NUMBER: (check only one) <input checked="" type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19a <input type="checkbox"/> 19b <input type="checkbox"/> 20a <input type="checkbox"/> 20b <input type="checkbox"/> 20c <input type="checkbox"/> 21	
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.			
NAME OF COMMITTEE (in Full) Ron Desantis for Florida			
Full Name (Last, First, Middle Initial) A. RONALD D. DESANTIS		Date of Disbursement 09 / 01 / 2015	
Mailing Address P.O. BOX 1425		Amount of Each Disbursement this Period 2500.00	
City PONTE VEDRA BEACH	State FL	Zip Code 32004-1425	Transaction ID : SB17.2242
Purpose of Disbursement IN KIND: BOOKS		Category/Type	
Candidate Name	Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President State: District:	Disbursement For: 2016 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	

Furthermore, it is important to note that Congressman DeSantis is permitted to make unlimited contributions (and loans) to the Committee. Therefore, given the fact that the "transaction" giving rise to this enforcement matter cannot possibly constitute an impermissible or excessive contribution, the Committee does not believe the public was harmed in any palpable manner as a result of the delayed disclosure.

**III. This is an Insubstantial Issue Meriting Dismissal Under *Heckler v. Chaney*.**

As noted above, the delay in public disclosure was minimal (not to mention more than 271 days before the primary election) and did not result in any palpable harm to Congressman DeSantis's opponents or to the general public. The Commission has broad discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985) to determine how to proceed with respect to complaints or referrals, and the Commission regularly exercises its prosecutorial discretion under *Heckler* to dismiss matters that do not merit the additional expenditure of Commission resources. We believe this exactly the type of insubstantial matter where such discretion should be applied.

**IV. Conclusion.**

In consideration of the specific the facts and allegations at issue in this matter, as well as the Commission's valuable time and resources, we respectfully ask the Commission to dismiss this matter in its entirety. If you require additional information or if I can be of any assistance, then I can be reached at (512) 354-1783.

Sincerely,



Chris K. Gober

Charnika Miles

Digitally signed by Charnika Miles  
Date: 2016.10.07 09:20:46 -04'00'

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